

CHAPTER 13 TRUSTEES' CHECKLIST FOR E-APPLICATIONS FOR CONFIRMATION & FEES

Application for Confirmation of Plan; Order Confirming Plan and Allowing Attorney's Fee: LBR 3015-9 requires the Attorney for the Debtor to prepare and upload the proposed Order Confirming the Chapter 13 Plan to the Chapter 13 Trustee at the conclusion of the §341(a) meeting. If a hearing on an objection to confirmation results in the plan being confirmed, Debtor's Attorney is required to upload the proposed Confirmation Order to the Chapter 13 Trustee at the conclusion of the hearing. The Order Confirming the Plan is also a fee application, therefore the Chapter 13 Trustee will not submit an order to the Court that provides for fees in excess of the U.S. Trustee guidelines. If the order provides for fees in excess of the guidelines fees, the order will be returned to the Attorney for the appropriate correction(s). If no order is received that can be submitted to the Court, the Trustee will upload an order confirming the plan that is silent as to a fee award and the Attorney will then be required to bring an appropriate fee application. Please review the Court's website and online CM/ECF Manual on instructions for the uploading (or electronic filing) of Confirmation Orders. Forms CSD 1177 or 1178 should be used as updated by the Court on April 20, 2011 and May 19, 2010 respectively.

The following is a checklist to minimize errors in submitting E-Confirmation Orders:

1. Utilize CSD Form 1177 as updated April 20, 2011;
2. Please review the Docket to insure the following:¹
 - A. The §341 Meeting of Creditors has been concluded;
 - B. There are no pending Objections to Confirmations filed by the Creditors and/or by the Chapter 13 Trustee;
 - C. Please use the correct case number, judge's initials and debtors' name as it appears on the Docket;
 - D. Please insure the header information on page 2 of the E-Confirmation Order is consistent with page 1. (I.e. Joint-Debtor's name as well as the case number should be in the header of the second page);
 - E. Please insure the Rights & Responsibilities as well as the 2016b Disclosure of Compensation is on the Docket;
 - a. If there has been a substitution of an attorney as Counsel of Record, the 2016b and R&R on the docket should be consistent with the current Counsel of Record.

¹ A number of the issues outlined are in response to the "Defective Order" notices issued by the Trustee and/or the Court.

- F. If the case is Motion to Value related – please insure the Order(s) on the Motion to Value are entered on the Docket.
 - a. E-Confirmation Orders that incorporate Orders on Motion to Value listing a creditor inconsistent with the named creditor in Paragraph 19 of the Plan may be rejected by the Court:
 - b. Recommendations:
 - i. Do not name the to-be-stripped lienholder in Paragraph 19 (but insure service of the plan on the creditor);
 - ii. Plan Modification – revise Paragraph 19 to name the correct creditor and serve the modified plan upon the affected creditor.

- G. Please note the date of the underlying plan and any and all dates of the Pre-Confirmation Modification forms.
 - a. The plan date is the date the plan is signed by the Debtor(s). Please refer to signature date of the Plan;
 - b. Pre-Confirmation Modification (PCM) form date is the date of the Pre-Confirmation Modification Form. This date is not necessarily the date the PCM is signed, nor the date the PCM form is filed with the Court.
 - c. If there is an Amended Plan filed subsequent to the Pre-Confirmation Modification forms filed with the Court, please note the Amended Plan will supersede the prior plan and its corresponding PCM forms.

- H. **Please do not** advise the Trustee by email that you have uploaded an E-Confirmation Order as it slows down processing of your Order.

- I. If the E-Confirmation Order is defective, Counsel will receive a written comment respecting the defect and how to cure it.

Completing the E-Confirmation Order Section I:

1. **Section I, Part A:** Use the filed date of the Rights & Responsibilities;

2. **Section I, Part C:**
 - a. **C.1:** *The agreed initial fee for attorney services:* This amount should be consistent with the filed Rights & Responsibilities and 2016b Disclosure of Compensation:

 - b. **C.2:** *Additional fees not part of initial fee:*
 - Please describe each and every relief from stay or adversary proceeding number as relevant:

- Where the Motion to Value has been granted and costs are approved. Please insure the entered MTV Order provides for the amount of the costs sought;

- If a Motion to Extend/Impose the Automatic Stay filed, Opposition filed for Motion for Relief from Automatic Stay, Order on the Objection to Proof of Claim entered, please refer to the Rights & Responsibilities for the guideline fee amounts;

- c. **C.3: Total fees received to date:** Please reconcile the amount of Attorney Fees pre-paid and compare with Form 2016(b).
- d. **C.4: Total unpaid balance of fees:** Please reconcile the agreed initial fee with the additional fees less the total fees received to date.

Completing the E-Confirmation Order Section II:

1. **Section II, Part A:** “Debtors’ Plan dated _____”
Please use the signed date of the underlying Plan (or Amended Plan);
2. **Section II, Part A:** “...as amended by pre-confirmation modification(s) (PCM Forms) dated _____”
 - A. Please use all PCMs dates if there are more than one (1) PCM form;
 - B. Use the date of the modification, not the date the PCM was filed with the Court;
 - a. Confirm the date on the Plan and/or PCM in the E-Confirmation Order reconciles with that of the filed pleadings. (A common error is to reference the docket entry date or to include the date of the initial plan that has been superseded by a subsequent amended plan).
 - C. If there is no PCM applicable – please insert the words “Not Applicable”
3. **Section II, Part D:** Confirm the actual Order(s) for the Motion to Value (Lien Strip) Order have been entered on the docket. You must use the docket entry # of the entered MTV Order(s). The Court’s Tentative Ruling granting the Motion to Value does not suffice as an Order.
 - A. If the case does involve a lien strip and you are using the new form CSD 1177, you do not need to submit the lien strip addendum language that was formerly required.